

REMARKS/ARGUMENTS

By the *Office Action* of 12 November 2009, Claims 2-36 are pending in the Application, and all rejected. Applicant thanks Examiner with appreciation for the careful consideration and examination given to the Application.

Applicant submits this *Response and Amendment* solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, argument, or claim cancellation presented during prosecution is not to be construed as abandonment or disclaimer of subject matter.

No new matter is believed presented in the *Response and Amendment*, and all pending Claims believed allowable.

1. Claim Objections and Rejections Under 35 USC § 112

In the *Office Action*, all the Claims are either or both objected to or rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Applicant amends the appropriate Claims in response thereto.

2. The Claim Rejections Under §§ 102/103

Applicant appreciates the new Examiner's review of the previous arguments, and the withdrawal of prior grounds of rejections.

In the *Office Action*, Claims 2-7, 10-13, 19-24, 26-29 and 33-34 are rejected under 35 USC § 102(b) as allegedly being anticipated by GB Patent No. 2,312,193 to Searle. Claims 17 and 32 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle. Claims 8-9, 16 and 35 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle in view of US Patent Publication No. 20030087713 to Todd et al. Claims 14-15, 31 and 36 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle in view of US Patent No. 3,832,899 to Nicolau. Claim 18 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle in view of US Patent No. 5,445,036 to Hordnes et al. Claim 25 is

rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle in view of WO 0130643 to Roovers et al. Claim 30 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Searle in view of US Patent No. 3,992,932 to Venema.

It appears the Examiner considers the Searle idler wheel (C) as a “sensor”, provided with measuring means for providing a measuring signal that is proportional to the forces exerted by the chain parts. Applicant respectfully submits that the idler wheel (C) is not a sensor, and that the pending Claims are patentable over Searle. Assuming, *arguendo*, the idler wheel constitutes a sensor, Searle discloses that its output signal (further assuming, *arguendo*, that it has an output signal readable on the present Claim’s recitation of a “measuring signal”) is only an ON/OFF signal, and thus cannot comprise a measuring signal that is proportional to the forces exerted by the chain parts, as recited in the Claims.

All the pending Claims are respectfully shown novel and non-obvious over Searle as it does not teach or suggest a measuring means for providing a measurement signal (S_M) that is **proportional** to the forces exerted by the chain parts, as recited in the pending Claims. At best, Searle provides an output signal comprising two states, only ON/OFF, and thus is not **proportional** to the chain forces. As such, Claim 2 is believed novel over Searle, and the remaining Claims are patentable over the variations combinations of art in view of Searle.

It is thus respectfully submitted that the pending Claims are novel and non-obvious over the cited art.

3. Fees

This *Response and Amendment* is being filed within six months of the *Office Action*, and more specifically within four months. Thus, a one month extension of time fee payment is believed due.

No additional claim fees are believed due.

Authorization is hereby expressly given to charge any additional fees due to deposit account No. 20-1507.

CONCLUSION

By the present *Response and Amendment*, this Application has been placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

Respectfully submitted,

Certificate of Transmission:

I hereby certify that this correspondence is being submitted by e-filing to the US Patent and Trademark Office in accordance with §1.8 on this date, via the EFS-Web electronic filing system.

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